

108TH CONGRESS
1ST SESSION

H. R. 2061

To make improvements with respect to the Drug-Free Media Campaign Act of 1998 and to authorize such Campaign through fiscal year 2008.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2003

Mr. PORTMAN (for himself and Mr. CUMMINGS) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To make improvements with respect to the Drug-Free Media Campaign Act of 1998 and to authorize such Campaign through fiscal year 2008.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Youth Anti-
5 Drug Media Campaign Reauthorization Act of 2003”.

6 **SEC. 2. GENERAL IMPROVEMENTS TO NATIONAL ANTI-**
7 **DRUG MEDIA CAMPAIGN AND REAUTHORIZA-**
8 **TION.**

9 The Drug-Free Media Campaign Act of 1998 (21
10 U.S.C. 1801 et seq.) is amended—

(1) in section 101, by striking “Drug-Free Media Campaign Act of 1998” and inserting “National Youth Anti-Drug Media Campaign Act”;

(2) in section 102—

(A) in subsection (a), by striking “national media campaign” and all that follows through the period and inserting the following: “national youth anti-drug media campaign (referred to in this subtitle as the ‘national media campaign’) in accordance with this subtitle for the purposes of—

“(1) preventing drug abuse among young people in the United States;

“(2) increasing awareness of adults of the impact of drug abuse on young people in the United States; and

“(3) encouraging parents and other interested adults to discuss with young people the dangers associated with drug use.”;

(B) in subsection (b), by striking “105” and inserting “106”; and

(C) by adding at the end the following:

“(c) DIVISION OF RESPONSIBILITIES AND FUNCTIONS UNDER THE PROGRAM.—

1 “(1) IN GENERAL.—The Director, in consulta-
2 tion with the Partnership for a Drug Free America,
3 shall determine the overall purposes and strategy of
4 the national media campaign.

5 “(2) RESPONSIBILITIES.—

6 “(A) DIRECTOR.—The Director shall be
7 responsible for implementing a focused national
8 media campaign to meet the purposes set forth
9 in section 102(a), and shall approve—

10 “(i) the strategy of the national media
11 campaign;

12 “(ii) all advertising used in the na-
13 tional media campaign; and

14 “(iii) the plan for the purchase of ad-
15 vertising time and space for the national
16 media campaign.

17 “(B) THE PARTNERSHIP FOR A DRUG-
18 FREE AMERICA.—The Director shall request
19 that the Partnership for a Drug-Free Amer-
20 ica—

21 “(i) recommend strategies to achieve
22 the goals of the national media campaign
23 that address national, regional, and local
24 drug threats;

1 “(ii) create all advertising to be used
2 in the national media campaign, except ad-
3 vertisements that are—

4 “(I) provided by other nonprofit
5 entities pursuant to section 103(c);

6 “(II) intended to reach a minor-
7 ity, ethnic, or other special audience
8 that cannot be obtained at no cost
9 (not including production costs and
10 talent reuse payments); and

11 “(III) any other advertisements
12 that the Partnership for a Drug-Free
13 America determines it is unable to
14 provide; and

15 “(iii) test all advertisements prior to
16 use in the national media campaign to en-
17 sure that the advertisements are effective
18 and meet industry-accepted standards.

19 “(C) MEDIA BUYING CONTRACTOR.—The
20 Director shall enter into a contract with a
21 media buying contractor to plan and purchase
22 advertising time and space for the national
23 media campaign.”;

24 (3) in section 103—

25 (A) in subsection (a)—

1 (i) in paragraph (1)—

2 (I) in subparagraph (A), by in-
3 serting “, including the strategic plan-
4 ning for, and accounting of, such pur-
5 chases” after “space”;

6 (II) in subparagraph (C), by
7 striking “out-of-pocket”; and

8 (III) in subparagraph (F), by
9 striking “the Office of National Drug
10 Control Policy” and inserting “either
11 the Office of National Drug Control
12 Policy or the designee of the Office”;
13 and

14 (ii) by striking paragraph (2) and in-
15 serting the following:

16 “(2) ADVERTISING.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), in carrying out this subtitle,
19 the Director shall ensure that sufficient funds
20 are allocated to meet the stated goals of the na-
21 tional media campaign.

22 “(B) EXCEPTION.—No funds shall be used
23 for the creative development of advertisements
24 (not including out-of-pocket production costs
25 and talent reuse payments) except when—

1 “(i) the advertisements are intended
2 to reach a minority, ethnic, or other special
3 audience that cannot be obtained at no
4 cost (not including production costs and
5 talent reuse payments);

6 “(ii) the Partnership for a Drug-Free
7 America is unable to provide such adver-
8 tisements; and

9 “(iii) the Director gives prior notice to
10 the Committees on Appropriations of the
11 House of Representatives and the Senate,
12 the Committee on Government Reform of
13 the House of Representatives, and the
14 Committee on the Judiciary of the Sen-
15 ate.”;

16 (B) in subsection (b), by striking “105”
17 and inserting “106”;

18 (C) by striking subsection (c) and inserting
19 the following:

20 “(c) MATCHING REQUIREMENT.—

21 “(1) NO COST MATCH.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), amounts made available for
24 the national media campaign under section 106
25 shall be used to require a no cost match of

equivalent value of advertising broadcast time and print space or in-kind contributions to the national media campaign prior to the Director executing a contract for the purchase of any advertising time or space for the national media campaign.

“(B) EXCEPTION.—The Director shall ensure that all no cost matches of advertising material, time, and space or in-kind contributions provided pursuant to subparagraph (A) directly relate to substance abuse prevention consistent with the specific purposes set forth in section 102(a).

“(2) SPONSORSHIP IDENTIFICATION.—Any advertising material donated to the national media campaign at no cost shall not be subject to the sponsorship identification provisions in section 317 of the Communications Act of 1934 (47 U.S.C. 317).”; and

(D) by adding at the end the following:

“(d) RESPONSIBLE USE OF FEDERAL FUNDS.—

“(1) IN GENERAL.—The Director shall ensure that—

“(A) for each fiscal year, not less than 85 percent of the amounts appropriated under this subtitle shall be used for the purchase of adver-

1 tising time and space for the national media
2 campaign; and

3 “(B) no more than \$5,000,000 is used in
4 each fiscal year to develop advertising material
5 pursuant to subsection (a)(2)B(ii).”;

6 (4) by striking section 104 and inserting the
7 following:

8 **“SEC. 104. FINANCIAL AND PERFORMANCE ACCOUNT-**
9 **ABILITY.**

10 “The Director shall—

11 “(1) carry out (through the Defense Contract
12 Audit Agency or an independent auditor) an exam-
13 ination of records as described in section 304C of
14 the Federal Property and Administrative Services
15 Act of 1949 (41 U.S.C. 254d) and an audit of the
16 costs described in section 306 of that Act (41 U.S.C.
17 256);

18 “(2) designate an independent entity to evalu-
19 ate annually the effectiveness of the national media
20 campaign based on prior year data from—

21 “(A) the ‘Monitoring the Future Study’
22 published by the Department of Health and
23 Human Services;

1 “(B) the Attitude Tracking Study pub-
2 lished by the Partnership for a Drug Free
3 America;

4 “(C) the National Household Survey on
5 Drug Abuse; and

6 “(D) other relevant studies or publications,
7 as determined by the Director, including track-
8 ing and evaluation data collected according to
9 marketing and advertising industry standards;
10 and

11 “(3) submit a report to Congress in accordance
12 with section 105, including the evaluation referred to
13 in paragraph (2).”;

14 (5) by striking section 105 and inserting the
15 following:

16 **“SEC. 105. REPORT TO CONGRESS.**

17 “The Director shall submit on an annual basis a re-
18 port to Congress that describes—

19 “(1) the strategy of the national media cam-
20 paign and whether specific objectives of the cam-
21 paign were accomplished;

22 “(2) steps taken to ensure that the national
23 media campaign operates in an effective and effi-
24 cient manner consistent with the overall strategy
25 and focus of the campaign;

1 “(3) plans to purchase advertising time and
2 space;

3 “(4) policies and practices implemented to en-
4 sure that Federal funds are used responsibly to pur-
5 chase advertising time and space and eliminate the
6 potential for waste, fraud, and abuse; and

7 “(5) all contracts entered into with a corpora-
8 tion, partnership, or individual working on behalf of
9 the national media campaign.”; and

10 (6) by adding at the end the following:

11 **“SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated to the Office
13 of National Drug Control Policy to carry out this subtitle,
14 \$195,000,000 for each of the fiscal years 2004 through
15 2008.”.

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